

***IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION***

ERIC M. ALBRITTON,

Plaintiff,

v.

(1) CISCO SYSTEMS, INC., (2) RICHARD  
FRENKEL, (3) MALLUN YEN and  
(4) JOHN NOH,

Defendants.

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NO. 6:08-CV-00089

***PLAINTIFF'S MOTION TO DISMISS***

***TO THE HONORABLE UNITED STATES DISTRICT JUDGE:***

***COMES NOW, ERIC ALBRITTON***, Plaintiff in the above-captioned and numbered cause, and files this, his Motion to Dismiss, and, in support thereof, would respectfully show unto the Court as follows:

***I.***

As announced in chambers at the conclusion of evidence, the parties have agreed to a confidential settlement of all matters in controversy between them. Consistent with that agreement, Plaintiff and Defendants have now executed the contemplated settlement documents, and payment of the agreed-upon consideration is due within thirty (30) days of the entry of an Order of Dismissal. Each party shall bear its own attorneys' fees and costs of Court.

**WHEREFORE, PREMISES CONSIDERED, ERIC ALBRITTON** respectfully prays for the entry of an Order dismissing this case with prejudice, directing the payment of the agreed-upon consideration within thirty (30) days and taxing all costs of Court against the party incurring same.

Respectfully submitted,

**THE LAW OFFICE OF JAMES HOLMES, P.C.**

By: \_\_\_\_\_/s/  
James A. Holmes  
Texas Bar No. 00784290

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**ATTORNEY FOR PLAINTIFF**



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record *via* the electronic filing system of the United States District Court for the Eastern District of Texas on this, the 4<sup>th</sup> day of November 2009.

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/s/  
James A. Holmes